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Planning and
Zoning

ORDINANCE NO. 215

AN ORDINANCE AMENDING THE STORY COUNTY LAND DEVELOPMENT REGULATIONS AS PROVIDED IN CHAPTER 15 OF THE STORY COUNTY LAND DEVELOPMENT REGULATIONS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith AND ESTABLISHING AN EFFECTIVE DATE.

BE IT HEREBY ORDAINED by the Board of Supervisors of Story County, Iowa;

Section 1: The *Story County Land Development Regulations* are hereby amended as outlined in "Attachment A". The complete text of the amendments is on file in the office of the Planning and Zoning Department.

Section 2: All other ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: This ordinance is in full force and effect from and after its adoption and publication as provided by law.

Action upon FIRST Consideration:

DATE:

Moved by:
Seconded by:
Voting Aye:
Voting Nay:
Not Voting:
Absent:

Action upon SECOND Consideration:

DATE:

Moved by:
Seconded by:
Voting Aye:
Voting Nay:
Not Voting:
Absent:

Action upon THIRD Consideration:

DATE:

Moved by:
Seconded by:
Voting Aye:
Voting Nay:
Not Voting:
Absent:

ADOPTED THIS _____ day of _____, 2012.

Story County Board of Supervisors

ATTEST: County Auditor _____

Attachment A

Page Number From the LDR Reprinted on January 4, 2011	Summary of Change
1	This Ordinance shall be known and may be cited and referred to as the <i>Story County Land Development Regulations (20052006)</i> , herein referred to as the Ordinance.
2	<p>Section 1.70: Exemptions</p> <p>A. The following exemptions may apply to certain types of development located in unincorporated Story County; however, such uses shall not be exempt from the standards set forth in Chapter 6 - Land Division Requirements <u>nor exempt from adopted Floodplain Management Ordinance.</u></p> <ol style="list-style-type: none"> 1. Agricultural Exemption: Except to the extent required to implement Section 335.37, <i>Code of Iowa</i>, no regulations adopted under this Ordinance apply to land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. However, the regulations may apply to any structure, building, dam, obstruction, deposit or excavation in or on the flood plain of a river or stream. Such land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are primarily adapted for agricultural purposes <u>The Agricultural Exemption</u> shall be officially established as such in accordance with Chapter 17, Permits, of this Ordinance. 2. Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA): No land use regulation contained in this Ordinance shall be enforced in a manner that violates the federal Religious Land Use and Institutionalized Persons Act of 2000. 3. Utilities Exempt. No requirement, restriction, or regulation contained in this Ordinance with the exception of those contained in areas designated as floodplain on the Flood Insurance Rate Maps (FIRMs) shall be construed to control the type or location of any poles, towers, wires, gas mains, cables, or any other similar distributing or operating equipment of a public utility regulated by the Iowa Utilities Board. (Ordinance No. 192)
4	<p>Antenna height</p> <p>The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped</p>

	grade, then the average between the highest and lowest grades shall be used in calculating the antenna height. (SEE FIGURE 4410)
6	Co-Location Locating communications equipment from <u>for</u> more than one (1) provider on a single site.
8	Common Sewer System A central sewer collecting system available to each platted lot and discharging into a treatment facility, the construction and location of which is approved by the Story County <u>Environmental</u> Health Department and/or the State Board of Health. Common Water System A central water supply system available to each platted lot from one single source approved by the Story County <u>Environmental</u> Board of Health Department.
13	Interagency Review Team Story County staff members including but not limited to: Story County Conservation Director (or designee); Story County Engineer (or designee), Planning and Development Director (or designee); Story County <u>Environmental</u> Health Department representative; Story County Auditor (or designee); and Story County Assessor (or designee). (Ordinance No. 160) (Ordinance No. 184) (Ordinance No. 208) Junk or Salvage Materials including, but not limited to, old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, appliances, furniture, equipment, building demolition materials or structural steel materials, and This definition shall also include junked, dismantled, or wrecked, or junked motor vehicles or machinery, or parts of motor vehicles, and iron, steel or other old or scrap ferrous or nonferrous material. (Ordinance No. 208) Junk or Salvage Yard Any area where junk or salvage is bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled. This definition shall also include auto or other vehicle or machinery wrecking or dismantling activities. This definition shall not include the processing of used, discarded or salvaged materials as part of a manufacturing operation located on the same property, and contractors' storage yards. <u>There shall be no more than three (3) junked vehicles on any lot, parcel or tract in any district unless properly zoned and/or approved as a conditional use as permitted by the Board of Adjustment.</u> The presence on any lot, parcel or tract of land of three (3) or more abandoned, wrecked, scrapped, ruined, dismantled or inoperative motor vehicles, including implements of husbandry not a part of a farming operation, shall constitute prima facie evidence of a junk or salvage yard. This shall not include motor vehicles licensed for the current year as provided by law, or motor vehicles legally placed in storage, if kept within a completely enclosed building. (Ordinance No. 208) Junked Vehicles

	<u>Shall mean a motorized vehicle including automobiles, motorcycles, trucks, truck tractors, commercial vehicles, trailers, etc., which does not have a current Iowa Department of Transportation registration or its equivalent and has either had parts removed for reuse, salvage or sale or the vehicle has been incapable of operating under its own power for more than 90 days.</u>
16	Lot, Flag A lot, parcel, or tract, who's <u>where</u> the building area is situated behind another lot, parcel, or tract (s) and which has a narrow frontage extended to a street or road. The term flag lot refers to the shape of the lot, parcel, or tract. (Ordinance No. 192) (SEE FIGURE 4)
18	Mobile Home Park Any lot, parcel, or tract of land upon which two (2) or more occupied mobile homes are harbored for use as single-family detached one-story residences <u>located for residential use</u> , either free of charge or for revenue purposes. (Ordinance No. 192)
20	Permit Written permission issued by the Director, or designee, empowering the holder thereof <u>applicant</u> to begin an activity not forbidden by law but not allowed without such authorization. (Ordinance No. 192)
21	Residential Parcel Subdivision <u>A Residential Parcel Subdivision is a subdivision of land where a parcel of record containing a dwelling and/or farmstead as defined in this Ordinance is subdivided and the vacant remainder parcel is considered buildable for the purposes of establishing a single-family dwelling.</u>
22	Sign Permit Permitted use of a sign erected, modified, or placed on a lot, parcel, tract or building that does not meet the criteria in Section 9.50.A. Such permit shall be secured prior to the sign being erected, constructed, reconstructed, moved, enlarged, altered, or illuminated. A Sign Permit shall be not issued for an existing or proposed sign unless such sign is in conformity with these regulations and an approved signage plan if required. (Ordinance No. 192) (Ordinance No. 208)
23	Street Any vehicular way that: (1) is an existing state, county, or municipal roadway; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the county <u>County recording-Recorder officer prior to the appointment of a planning board and the grant to such board of the power to review plats</u> ; includes the land between the street lines, whether improved or unimproved. (SEE FIGURE 13)
26	Use, Principal The main or primary use for which land or a structure is designed, arranged, or intended, or to which purpose land or a structure is occupied, maintained, leased, or operated. (Ordinance No. 152)
32	E. Bulk Requirements. 1. Net Lot Area. 35-acres minimum lot size (net acreage) for the construction of a dwelling, subject to the following exceptions: a. If the parcel is considered a legally-established lot-of-record, it may be built upon regardless of size. (Ordinance

	<p>No. 192)</p> <p>b. If the parcel contains a farmstead and is legally-divisible from the remainder of the farm land, the requirement is a minimum of one (1) acre (net). (Ordinance No. 192)</p> <p>c. In areas designated on the <i>Story County Development Plan</i> as Agricultural Conservation Area; Cooperative Planning Area-Tier One, Tier Two and Tier Three for areas in which an urban fringe plan and associated intergovernmental agreement has not been adopted; or areas designated Agricultural and Farm Service on the Ames Fringe Area Plan, the parcel is evaluated by the L.E.S.A. system and identified as being low-to-moderate value agricultural land, a minimum lot size of one (1) acre (net) as defined in Table 4-1. (Ordinance No. 184)</p> <p>d. If the parcel has been created through a Residential Parcel Subdivision.</p>
53	<p>Section 6.20: Plat of Survey Required</p> <p>B. If the plat of survey depicts land being divided, an Acknowledgement of Consent to Plat must be prepared and recorded along with the survey. <u>If the proposed division is to create a Residential Parcel Subdivision as defined in Chapter 2, Definitions, the process in Section 6.60 herein is applicable.</u></p>
54-60	<p><u>Section 6.60: Residential Parcel Subdivision Plat</u></p> <p>A. A subdivision may be submitted for review and approval as a residential parcel subdivision plat when all of the following are true:</p> <ol style="list-style-type: none"> <u>1. The development lots created by the subdivision are intended to be used for residential purposes.</u> <u>2. Only two development lots may be created.</u> <u>3. The Assessment Property Record Card for the property shall show a single family dwelling and/or farmstead as defined in Chapter 2 in existence.</u> <u>4. The subdivision includes no land set apart for new streets, alleys, parks, dedicated open space, school property or public use.</u> <u>5. The subdivision lies wholly within the A-1 district. For parcels located within the boundaries of the Ames Urban Fringe Plan, the subdivision must be both zoned A-1 Agricultural and lie wholly within the Rural Service and Agricultural Conservation Area designation.</u> <u>6. Both development lots (created by the Residential Parcel Subdivision) shall contain a minimum of one acre (net) each. All side and rear yard setback requirements must be met.</u> <u>7. All resulting development lots shall have access to an adjoining public roadway by actual road frontage or easement.</u>

8. No variances from subdivision or zoning standards shall be granted in order to accomplish the Residential Parcel Subdivision.

9. The existing parcel shall not have been created through a previously-approved Residential Parcel Subdivision.

B. Procedure. A Residential Parcel Subdivision Plat shall adhere to the procedures adopted annually by the Story County Board of Supervisors for review and approval.

C. Submittal Requirements. The plat shall be drawn at an appropriate scale to reflect the readability of the subdivision elements. The plat shall be signed by a licensed land surveyor. Any application for a residential parcel subdivision not containing all of the following information shall not be considered by the Board of Supervisors. Residential parcel subdivision plats must incorporate all the following general site planning standards outlined in Chapter 7, Section 7.10 and 7.40.

1. The following materials shall be shown on the face of the plat:

a. The complete legal description of the property to be platted including descriptive boundaries of the subdivision.

b. All existing adjacent subdivisions, roads and tract lines of acreage parcels together with the names of record owners of land immediately adjoining the subdivision.

c. The title of the subdivision with the name and address of the owner(s), north point, scale, date, and name and address of the author of the plat.

d. The district(s) in which the land to be subdivided is located.

e. The location, width and dimensions of all existing roads.

f. All lot lines, lot and block numbers and building lines in accordance with the Code and easements, with figures showing their dimensions.

g. All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, or of the lots, existing streets and alleys, easements, and building setbacks, and any other similar public or private uses. The linear dimensions shall be expressed in foot and decimals of a foot.

h. Radii, arc and chords, points of tangency, central angles for all curvilinear streets and radii for rounded corners.

54-60

- i. Established boundaries of the 1% Special Flood Hazard Area (if the property contains any areas wherein a detailed study was completed by FEMA or other entity, the Floodway and Floodway Fringe boundaries shall be depicted.)
 - j. Existing contour intervals of not more than five (5) feet, provided, however, that a minimum of two (2) contours shall be shown on any plat. Contour intervals of less than five (5) feet may be required at the County Engineer's discretion. This requirement may be waived if determined not applicable by the Interagency Review Team at the conceptual review meeting.
 - k. The location of property lines and all such surface features as buildings, railroads, utilities, water courses and similar items affecting the development. Also, the location and size of such sub-surface features such as existing or nearest available storm and sanitary sewers, water mains, culverts, gas mains, above and below ground electric transmission lines or cables, and drain tiles.
 - l. The location and manner of providing water supply (if using wells) and wastewater treatment facilities and conformance with the requirements of Ordinance No. 110 as documented by a representative of the Story County Environmental Health Department.
2. Signed copies of the following materials:
- a. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval;
 - b. City Resolution(s) (if applicable);
 - c. Clerk of Court's Certification (if applicable);
 - d. Acknowledgment of Consent to Plat;
 - e. Other submittal requirements as defined by the Planning and Development Department.

Section 6.670: Agricultural Subdivision Plats

C. Submittal Requirements.

- i. The following materials shall be shown on the face of the plat:
 - 1. Established boundaries of the 100-year 1% Special Flood Hazard Area (if the property contains any areas wherein a detailed study was completed by FEMA or other entity, the Floodway and Floodway Fringe boundaries shall be depicted.)
 - 2. Rural E911 addresses, as applicable, shall be shown on the plat. Addresses shall be in accordance with Story County Ordinance No. 161 and shall be assigned and provided by the Planning and Development Department.

- j. The location and manner of providing water supply (if using wells) and wastewater treatment facilities and conformance with the requirements of Ordinance No. 110 as documented by the submission of the ~~Affidavit of Conformance to Ordinance No. 110~~, signed by a representative of the Story County Environmental Health Department. (Ordinance No. 155) (Ordinance No. 184)

i. Signed copies of the following materials:

- k. ~~Affidavit of Conformance to Ordinance No. 110~~; and

Section 6.780: Minor Subdivision Plats

C. Submittal Requirements.

- l. ~~Rural E911 addresses, as applicable, shall be shown on the plat. Addresses shall be in accordance with Story County Ordinance No. 161 and shall be assigned and provided by the Planning and Development Department.~~
- m. Established boundaries of the 400-year 1% Special Flood Hazard Area (if the property contains any areas wherein a detailed study was completed by FEMA or other entity, the Floodway and Floodway Fringe boundaries shall be depicted.)
- n. The location and manner of providing water supply (if using wells) and wastewater treatment facilities and conformance with the requirements of Ordinance No. 110 as documented by the submission of the ~~Affidavit of Conformance to Ordinance No. 110~~, signed by a representative of the Story County Environmental Health Department. (Ordinance No. 155) (Ordinance No. 184)

i. Signed copies of the following materials:

- e. ~~Affidavit of Conformance to Ordinance No. 110~~; and

Section 6.890: Major Subdivision Plats

C. Submittal Requirements for Preliminary Plat review.

- k. The location and manner of providing water supply (if using wells) and wastewater treatment facilities and conformance with the requirements of Ordinance No. 110 as documented by the submission of the ~~Affidavit of Conformance to Ordinance No. 110~~, signed by a representative of the Story County Environmental Health Department. (Ordinance No. 155) (Ordinance No. 184)
- l. ~~Rural E911 addresses, as applicable, shall be shown on the plat. Addresses shall be in accordance with Story County Ordinance No. 161 and shall be assigned and provided by the Planning and Development Department.~~
- m. Established boundaries of the 400-year 1% Special Flood Hazard Area (if the property contains any areas wherein a

54-60	<p>detailed study was completed by FEMA or other entity, the Floodway and Floodway Fringe boundaries shall be depicted.)</p> <p>i. Copies of the following materials:</p> <p>k. Affidavit of Conformance to Ordinance No. 110; and</p> <p>D. Submittal Requirements for Final Plat Review.</p> <p>h. Established boundaries of the 400-year <u>1%</u> Special Flood Hazard Area (if the property contains any areas wherein a detailed study was completed by FEMA or other entity, the Floodway and Floodway Fringe boundaries shall be depicted.)</p> <p>i. Rural E911 addresses, as applicable, shall be shown on the plat. Addresses shall be in accordance with Story County Ordinance No. 161 and shall be assigned and provided by the Planning and Development Department.</p> <p>Section 6.9100: Duration of Approval of Preliminary Plat</p>
61	<p>D. Site Development Plan Review.</p> <p>1. Types of Applications.</p> <p>e. Application for Sign Permit.</p>
96	(*) Churches and/or Similar Uses
100	<p>Section 12.60: Zoning Compliance</p> <p>A. A Certificate of Zoning Compliance shall be required of all nonconforming uses. (Ordinance No. 192)</p>